



General Assembly

January Session, 2007

Committee Bill No. 5989

LCO No. 4733

04733HB05989GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

**AN ACT CONCERNING THE PROCESS FOR ISSUANCE OF
ABSENTEE BALLOTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-140 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Application for an absentee ballot shall be made to the clerk of
4 the municipality in which the applicant is eligible to vote or has
5 applied for such eligibility. Any person who assists another person in
6 the completion of an application shall, in the space provided, sign the
7 application and print or type his name, residence address and
8 telephone number. Such signature shall be made under the penalties of
9 false statement in absentee balloting. The municipal clerk shall not
10 invalidate the application solely because it does not contain the name
11 of a person who assisted the applicant in the completion of the
12 application. The municipal clerk shall not distribute with an absentee
13 ballot application any material which promotes the success or defeat of
14 any candidate or referendum question. [The municipal clerk shall
15 maintain a log of all absentee ballot applications provided under this

16 subsection, including the name and address of each person to whom
17 applications are provided and the number of applications provided to
18 each such person.] Each absentee ballot application provided by the
19 municipal clerk shall be consecutively numbered and be stamped or
20 marked with the name of the municipality issuing the application. The
21 application shall be signed by the applicant under the penalties of false
22 statement in absentee balloting on (1) the form prescribed by the
23 Secretary of the State pursuant to section 9-139a, (2) a form provided
24 by any federal department or agency if applicable pursuant to section
25 9-153a, or (3) any of the special forms of application prescribed
26 pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-
27 158d, if applicable. Any such absentee ballot applicant who is unable
28 to write may cause the application to be completed by an authorized
29 agent who shall, in the spaces provided for the date and signature,
30 write the date and name of the absentee ballot applicant followed by
31 the word "by" and his own signature. If the ballot is to be mailed to the
32 applicant, the applicant shall list the bona fide personal mailing
33 address of the applicant in the appropriate space on the application.

34 (b) A municipal clerk may transmit an application to a person under
35 this subsection by facsimile machine. If a municipal clerk has a
36 facsimile machine, an applicant may return a completed application to
37 the clerk by such a machine, provided the applicant shall also mail the
38 original of the completed application to the clerk, either separately or
39 with the absentee ballot that is issued to the applicant. If the clerk does
40 not receive such original application by the close of the polls on the
41 day of the election, primary or referendum, the absentee ballot shall
42 not be counted.

43 (c) The municipal clerk shall check the name of each absentee ballot
44 applicant against the last-completed registry list and any
45 supplementary registry lists on file in the municipal clerk's office. If the
46 name of such applicant does not appear on any of such lists, the clerk
47 shall send such applicant a notice, in a form prescribed by the
48 Secretary of the State, to the effect that (1) the applicant's name did not

49 appear on the list of electors of the municipality at the time the
50 application was processed, and (2) unless the applicant is admitted or
51 restored as an elector of the municipality by the applicable cutoff dates
52 an absentee ballot will not be mailed to him. Such notice shall not be so
53 mailed if, prior to the mailing of the notice, the registrars provide the
54 clerk with reliable information showing the absentee ballot applicant
55 to be an elector of the municipality.

56 (d) An absentee voting set shall consist of an absentee ballot, inner
57 and outer envelopes for its return, instructions for its use, and if
58 applicable, explanatory texts concerning ballot questions, as provided
59 for in sections 2-30a and 9-369b. No other material shall be included
60 with an absentee voting set issued to an applicant except as provided
61 in sections 9-153e and 9-153f or where necessary to correct an error or
62 omission as provided in section 9-153c.

63 (e) Upon receipt of an application, the municipal clerk shall, unless a
64 notice is mailed to the applicant pursuant to subsection (c) of this
65 section, write the serial number of the outer envelope included in the
66 absentee voting set to be issued to the applicant in the space provided
67 for that purpose on the application form. Sets shall be issued to
68 applicants in consecutive ascending numerical order of the envelope
69 serial numbers, and the clerk shall keep a list of the numbers indicating
70 beside each number the name of the applicant to whom that set was
71 issued. The list shall be preserved as a public record as required by
72 section 9-150b.

73 (f) Absentee voting sets shall be issued beginning on the thirty-first
74 day before an election and the twenty-first day before a primary or, if
75 such day is a Saturday, Sunday or legal holiday, beginning on the next
76 preceding business day.

77 (g) On the first day of issuance of absentee voting sets the municipal
78 clerk shall mail an absentee voting set to each applicant whose
79 application was received by the clerk prior to that day. When the clerk

80 receives an application during the time period in which absentee
81 voting sets are to be issued he shall mail an absentee voting set to the
82 applicant, within twenty-four hours, unless the applicant submits his
83 application in person at the office of the clerk and asks to be given his
84 absentee voting set immediately, in which case the clerk shall comply
85 with the request. Any absentee voting set to be mailed to an applicant
86 shall be mailed to the bona fide personal mailing address shown on the
87 application. Issuance of absentee voting sets shall also be subject to the
88 provisions of subsection (c) of this section, section 9-150c and section 9-
89 159q concerning persons designated to deliver or return ballots in
90 cases involving unforeseen illness or disability and supervised voting
91 at certain health care institutions.

92 (h) No absentee ballot shall be issued on the day of an election or
93 primary, or after the opening of the polls on the day of a referendum,
94 except in cases involving unforeseen illness or disability or presidential
95 or overseas ballots as provided in section 9-150c and sections 9-158a to
96 9-158m, inclusive.

97 (i) The municipal clerk shall file executed applications in
98 alphabetical order according to the applicants' surnames. Such
99 applications shall be preserved as a public record as required by
100 section 9-150b.

101 (j) No person shall pay or give any compensation to another and no
102 person shall accept any compensation solely for (1) distributing
103 absentee ballot applications obtained from a municipal clerk or the
104 Secretary of the State or (2) assisting any person in the execution of an
105 absentee ballot.

106 [(k) (1) A person shall register with the town clerk before
107 distributing five or more absentee ballot applications for an election,
108 primary or referendum, not including applications distributed to such
109 person's immediate family. Such requirement shall not apply to a
110 person who is the designee of an applicant.]

111 [(2)] (k) Any person who distributes absentee ballot applications
112 shall maintain a list of the names and addresses of prospective
113 absentee ballot applicants who receive such applications, and shall file
114 such list with the town clerk prior to the date of the primary, election
115 or referendum for which the applications were so distributed. Any
116 person who distributes absentee ballot applications and receives an
117 executed application shall forthwith file the application with the town
118 clerk.

119 [(l)] No candidate, party or political committee, or agent of such
120 candidate or committee shall mail unsolicited applications for absentee
121 ballots to any person, unless such mailing includes: (1) A written
122 explanation of the eligibility requirements for voting by absentee ballot
123 as prescribed in subsection (a) of section 9-135, and (2) a written
124 warning that voting or attempting to vote by absentee ballot without
125 meeting one or more of such eligibility requirements subjects the
126 elector or applicant to potential civil and criminal penalties. As used in
127 this subsection, "agent" means any person authorized to act on behalf
128 of another person.

129 (m) The Secretary of the State shall conspicuously post on the
130 Secretary of the State's web site, adjacent to the absentee ballot
131 application form available for downloading, a notice that the
132 application may be downloaded by a person only for (1) the person's
133 own use, (2) the use of a member of the person's immediate family, or
134 (3) the use of a designee of the applicant. The notice shall also contain
135 an advisory statement concerning the requirements of subsection (k) of
136 this section.

137 (n) The State Elections Enforcement Commission, in consultation
138 with the Secretary of the State, shall prepare a summary of the
139 requirements and prohibitions of the absentee voting laws, which shall
140 be posted on said agencies' web sites. Candidates and political party
141 chairpersons shall provide such summary to campaign and party
142 employees and volunteers.

143 (o) As used in this section, (1) "immediate family" has the same
144 meaning as provided in subsection (a) of section 9-140b, and (2)
145 "designee" has the same meaning as provided in subsection (b) of
146 section 9-140b.]

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2007	9-140
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Statement of Purpose:

To eliminate recent restrictions placed on applications for absentee ballots because such restrictions discourage voter participation and are harmful to the efficient conduct and administration of elections.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. SHAPIRO, 144th Dist.

H.B. 5989